

REMARKS

Claims 1 and 42-65 are currently pending. The undersigned attorney wishes to thank the Examiner for the courtesy extended in the interview on March 24, 2006, as recorded in the Interview Summary that the Examiner issued on March 28, 2006.

In previous Office Actions, the Examiner cited, among other references, U.S. Patent Number 5,721,827 to *Logan et al.* and U.S. Patent Number 5,311,175 to *Waldman et al.*

Independent claims 1, 53 and 60 incorporate features not disclosed in *Logan*, *Waldman* or any other prior art. With respect to claim 1, in the Interview Summary mailed March 28, 2006, the Examiner asserted that “amended claim 1 appears to correspond to some of the teachings of *Logan*.” However, Applicants submit that neither *Logan* nor any other relevant prior art discloses a database of content that includes both audio format files and associated non-audio format navigation files that include navigation marks. Further, neither *Logan* nor any other relevant prior art discloses a user interface that causes an audio output to announce information corresponding to a navigation mark. Although *Logan* describes the use of hyperlinks that allow a user to jump or go to another segment of an audio program (see Col. 13, lines 3-20 of *Logan*), these features merely permit a listener to react to audio prompts whenever they happen to occur. *Logan* does not teach or suggest a separate navigation file, with a user interface that allows a user to select and hear information from the navigation file (i.e., navigation marks). Thus, unlike the prior art, the teachings of claim 1 may allow a print-disabled individual to independently navigate through content in the database.

Further, as noted previously (and as previously acknowledged by the Examiner), *Logan* does not teach a tactile user interface that is adapted to be operated by a print-disabled individual. Although the Examiner has asserted that it would be obvious to combine the teachings of *Waldman* and *Logan* to yield this combination, Applicants disagree. First, *Logan*

and *Waldman* are not analogous art. *Waldman* merely teaches a “key and pushbutton apparatus and a method of conveying identification, instruction or description information about such keys or buttons.” Col. 1, lines 17-20. In contrast, *Logan* teaches “a personalized information delivery system which provides information and entertainment programming to individual subscribers.” One familiar with the teachings of *Logan* would not consider *Waldman* to be analogous art, or vice versa.

Further, even if *Logan* and *Waldman* could be considered to be analogous art, there is no motivation to combine the two references. The Examiner has stated that *Waldman* envisions “a broad range of applications for his invention which do not preclude announcing information.” However, the *failure to preclude* an invention is not a *motivation or teaching* to support an obviousness rejection. Rather, there must be a specific motivation to combine the two prior art references. “In order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method.” *Rockwell Int'l Corp. v. United States*, 147 F.3d 1358, 47 U.S.P.Q.2d 1027, 1032 (Fed. Cir. 1998). The disclosure of *Waldman* is best described by using its own words: *“The functional objectives of the invention is (sic) simply to provide information about a key or group of keys to the user, conveniently through the use of the key itself”*. Col. 3, lines 15-19 (emphasis added). *Waldman* accomplishes its objectives by hard-wired association of switches with *pre-determined* audible identifiers. Neither *Logan* nor *Waldman* suggests any portable electronic device that includes a database of content in which the portable device includes a tactile user interface that causes the announcement of navigation information from the database, as claimed in claim 1.

Claims 53 and 60 incorporate similar distinctions as those in claim 1. Claim 53 recites a database that includes both content files and index files containing navigation information, and a

user interface that includes a key that causes the audio output to announce information from an index file. Claim 60 emphasizes an embodiment wherein the user interface may include a first key for the announcement of annotation (i.e, navigation) information and a second key for the announcement of content.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

In order to expedite prosecution of this Application, if the Examiner does not consider all of the presently presented claims to be allowable, the Applicants hereby request the opportunity for an interview with the Examiner. I invite the Examiner to telephone or e-mail me directly to schedule the interview if necessary.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,
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